

5 April 1986

Memorandum For the Record

Subject: Legislative Activities

On 1 April 1986, representatives of OIS met with representatives of OCA to discuss OIS's concerns about getting timely notice of legislative activities in Congress. The OIS representatives included DD/OIS, [redacted] and the undersigned. The OCA representatives included DD/OCA, [redacted] and Office representatives, [redacted]. The initiative for the meeting was OIS's.

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The OIS representatives explained that the cause for its concern was the experience of learning about legislation being contemplated in Congress, too late to insure any effective Agency representation. We explained further that OIS frequently learned of draft FOIA legislation first from representatives of other agencies, rather than from OCA. The most recent example was FOIA legislation which was the cause of an Department of Justice (DOJ) initiated, interagency meeting on 28 April 1986. At that meeting it became evident that the draft legislation had been quietly promoted by the Department of Justice. It had appeared that the purpose of the meeting was to create the appearance of coordination among all effected Executive Branch Agencies. The meeting was presented as the "final" meeting before formal submission to OMB for approval. It was clear, from the OMB representatives, that OMB had been aware of developments. It became equally clear that aside from the FBI no other Agency present had been aware of developments and, moreover, that most of the other Agencies had objections to the provisions of the draft amendment to the FOIA. I believe this instance was accepted as an extreme example of the Agency being uninformed, since it seemed to have been by design by DOJ.

We then spoke of the problem in more general terms and OCA did appear to accept OIS's concern as genuine. OIS representatives cited several examples of the kinds of legislative activities which have occurred in the past, including the legislation creating NARA, legislation effecting official records and FOIA amendments. [redacted] instructed [redacted] to set up a meeting with several representatives of the staff of Congressman English's House Subcommittee on Government Operations to enable OIS representatives to explain the nature of the Agency's concerns which fell within OIS's responsibilities

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We should hear within several weeks from [redacted] concerning the possibility of such a meeting.

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Legal Adviser, OIS

DA:LA/OIS

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